



Attorney Docket No. 4216.260-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Royer *et al.*

Confirmation No. 3928

Serial No.: 09/461,537

Group Art Unit: 1636

Filed: December 15, 1999

Examiner: Marvich, M.

For: Non-Toxic, Non-Toxigenic, Non-Pathogenic Fusarium Expression System and Promoters and Terminators for Use Therein

STATEMENT UNDER 37 C.F.R. 1.808

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-captioned application refers to deposit of biological material which has been made at the Agricultural Research Service Patent Culture Collection, Northern Regional Research Center (NRRL) under the Budapest Treaty and assigned accession number NRRL 30747.

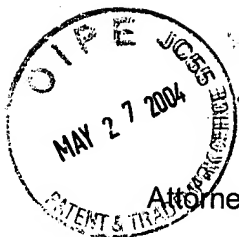
All restrictions on the availability to the public of the deposited material will be irrevocably removed upon the granting of the U.S. patent.

The deposit will be maintained for (a) thirty years, (b) at least five years after the most recent request for the furnishing of a sample of the deposit is received by the depository, or (c) the enforceable life of the U.S. patent granted from this application, whichever is longest. If the deposited material becomes inviable during the above term, the deposited material will be replaced.

Respectfully submitted,

Date: May 24, 2004

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1445 Drew Avenue
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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

1. Filing of Request for Continued Examination (RCE) under 37 C.F.R. §1.114 (in duplicate)
2. Amendment
3. Statement under 37 CFR 1.808

is being deposited with the United States Postal Service as first class mail in an envelope addressed to the address indicated above on May 24, 2004.

Seleste A. Buriani
(name of person mailing paper)

Seleste A. Buriani
(signature of person mailing paper)